

DESCHUTES WATERSHED COUNCIL

Thursday September 20 2018

9:30 – 12:30

Lacey Community Center

6729 Pacific Ave SE, Olympia, 98503

MEETING SUMMARY

I. Welcome and introductions

Attendance: Amy Hatch-Winecka (facilitator), Nora White (TCD), Angela Johnson (DOE), Miranda Hodgkiss (US EPA), Leanne Weiss (DOE), Sue Patnude (Deschutes Estuary Restoration Team), Jerilyn Walley (SPSSEG), Martin McCallum (Nisqually Land Trust Board & Stream Team Volunteer), Brett Raunig (DOE), Dave Peeler (DERT & Marine Interdisciplinary Team), Adam Peterson (WSU Extension), Don Bache (Port of Olympia), Linda Oosterman (Thurston PUD)

All: Check future dates for Puget Sound Nutrient Forum (DOE) to make sure our dates don't conflict.

II. Presentation from Angela Johnson, WA Dept. of Ecology on the Streamflow Restoration Program in response to the Hirst decision. In preparation, please consider the following websites and documents attached:

- a. [[HYPERLINK "http://app.leg.wa.gov/RCW/default.aspx?cite=90.94"](http://app.leg.wa.gov/RCW/default.aspx?cite=90.94)] **Net ecological benefit interim guidance**
- b. [[HYPERLINK "https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration"](https://ecology.wa.gov/Water-Shorelines/Water-supply/Streamflow-restoration)]
- c. [[HYPERLINK "https://fortress.wa.gov/ecy/publications/summarypages/1811010.html"](https://fortress.wa.gov/ecy/publications/summarypages/1811010.html)] **(also attached to this email)**

Handouts include fact sheet about stream flow restoration and map of affected watersheds.

Background on Streamflow Restoration Law:

- The “Hirst Fix” RCW 90.94 in response to Hirst Decision that changes how counties provide permits for exempt wells (domestic uses less than 5000 gallons/day, commercial use less than 5000 gallons/day, irrigation for ½ acre or less or stock water). 15 watersheds impacted by the Hirst Decision and precedent set.
- In Deschutes, permit-exempt wells subject to \$500 fee and allowed 950 gallons/day as the maximum annual average (350 gallons/day during drought).
- Participation funding for committee work available for counties and tribes only
- \$300 million until 2033 – competitive funding grant opportunity from DOE for project implementation
- Community self-polices consumption from exempt wells. DOE enforcement is complaint driven. There are some metering pilot projects through DOE across WA State.

Deschutes Watershed Specifically:

- Committee for WIRA 13 specifically getting started- Legislature calls out who needs to be invited- counties, Thurston PUD, tribes, largest irrigation district, entities that are representing the environmental, ag., and residential construction interests (being selected through nominations- *suggestions for nominations can go to Amy*). The Deschutes is required to have a plan by June 30, 2021. Plans need to be agreed upon through consensus – if not, DOE will submit the plan to the Salmon Recovery Funding Board for final tweaks. Plans must include projects to focus on, suggestions for rule making, regulations of allowable gallons/day, consumption use

Oct. 25th at 9 am Tumwater Fire Station is first meeting (open to folks who want to attend) A standing meeting time and location is still being chosen.

First round of grants is likely to be chosen in a different way than in the future since the committees are still being formed. This time, internal DOE staff are likely to do the review. Grant opportunity will open Oct 1- 31st and is statewide- priority given to basins affected by the Hirst Decision and are more shovel ready and offset water use in time and place. Not funding water rights studies. Expecting a wide variety of applications including feasibility studies and phased projects – water acquisition/storage. Must have net ecological benefit.

Question – how do you/DOE account for flow when the quality is poor? DOE is still working on this issue. Net ecological benefit will help to inform.

Workshops held by DOE on funding and net ecological benefits – October 8, 1:00 in Lacey.

Intent of the committee is to first look at what information is already available, find gaps, and then move forward.

Some future overlap between Deschutes Watershed Restoration Enhancement Committee and this group expected.

III. Presentation from Miranda Hodgkiss, US EPA Office of Water and Watersheds, will discuss EPA's decision rational and next steps for the Deschutes TMDL.

- Why we had to disapprove the TMDL: things missing that were required by EPA regulations- components looked for in all TMDL documents.
A lot of information on implementation planning included, but that information not lumped into the action that EPA took
- *See attached power point presentation by Miranda for additional details*
- Deschutes Decision: Partial Approval and Partial Disapproval – sufficient information for all waterbodies not provided, thus the partial. Any disapproved TMDLs- EPA is required to develop replacements within 30 days.
 - Incomplete TMDL Submittals- waterbodies didn't include loading capacities
 - Downstream uses not protected- a couple of standards were more stringent than upstream uses. (Capital Lake included in the Budd Inlet TMDL – an allocation will be

- given to the lake and at the end the lake will need to meet that). Downstream included both the lake and the inlet. DO and Bacteria were more stringent downstream, but allocations in Deschutes TMDL didn't consider those. These will try to be considered in the EPA revisions. Goal is to bring things together so they do look like one complete picture.
- Assigned loads don't meet water quality goals- agreed with the target chosen, but not enough info to prove that the goal would be achievable. Not enough confidence in achievement given the loadings that were given
 - Calculated Bacteria Loads- shifted from concentrated based loads to daily load calculations. Those calculations have not gone through public participation, so that's a logistical issue. Have to go with whatever is current adopted and approved and DOE will have to make a decision about how to integrate with continuously changing standards.
- Lessons Learned:
 - FROM EPA
 - Continuity- there's been a lot of turn-over in terms of project leads and sharing between folks needs to improve to lessen the gaps created.
 - Communication- clearer expectations of what EPA wants to see in TMDLs in the future. This is already happening with DOE
 - Involving management early and often in complicated cases
 - FROM DOE
 - Implementation plans are great, but EPA is focused on allocations- both are important
 - New issues arise during the development of a TMDL and even post submittal- case law changes how TMDLS are interpreted
 - Communication with EPA staff is key, especially when staff turnover occurs
 - Future collaboration/sharing information:
 - EPA set up a website for the TMDL that updates can be posted to as well as communicating through the listserv
 - EPA has public comment period required which will be a good opportunity for input. Additional opportunities for input from this group will be available- not specified yet

IV. Group naming exercise

Narrowing down the surname options

Questions to consider: Does the group make decisions? What's the mission of the group? What's the impact of the group? Does this body get to make strong recommendations? Does this group sunset at some point? What is the timeline of evolution of the group? How do we lend strength to the group through the name?

No votes: Group, crew, workshop, collaborative

Network: 2

Partnership: 5

Argument for: sounds like we're working together towards shared goals, opportunity to name expectations for members so that's very clear. Core reason for the group existing- info sharing and working together. Council or Alliance too formal, one of the core things is that no one is obligated to participate by statute.

~~Team: 1~~

~~Forum: 2~~

Council: 14

Argument for: this definition speaks to all the kinds of work the group will do. A body of people who have a specific interest, background, and decision making – Council adds weight to the kinds of decisions the group could be making and acknowledges the knowledge and expertise present in the room. Adds authority

~~Alliance: 2~~

~~Together: 3~~

Choice between Council and Partnership to be discussed at the November meeting. Consider the options under those two surnames and we'll narrow further in the future and begin our discussion around the mission statement.

V. Public comment

- Martin McCallum – public hearing held by BOCC on Sep. 25th at 5:30 Building 1 Rm. 280 opportunity for public to offer comment on TCD receiving public funding
- Oct. 13th annual fundraising event for Deschutes Estuary Restoration Team \$20 entrance plus silent auction at Women's Club (Sue)
- Yearly water meeting for PUDs in Kitsap Co. PUDs gaining information for the future.
- South Sound Science Symposium upcoming October 16th- Allison and Kevin Hanson presenting. *Include registration information and extended poster deadline*
- First Thursday at Boston Harbor Marina speaker series – next one on Chinook

VI. Adjourn

Next meeting is November 29th at LOTT